claim 8. Withdrawal of the rejection is respectfully requested.

§ 103 rejections

Claims 1-4 and 7 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,572,643 to Judson ("Judson") in view of U.S. Patent No. 5,943,648 to Tel ("Tel"). Applicants respectfully traverse this rejection.

The Office Action asserted that Judson teaches "performing some or all (a significant portion) of a text-to-speech process, to convert the textual information of at least one of the information objects (messages) to applets" (p. 3). Applicants respectfully disagree.

Contrary to the Office Action's assertion, nothing in Judson teaches or suggests a text-to-speech conversion process. Col. 6, lines 25-44 of Judson state that a message can be conveyed aurally, but Judson does not mention anything about text-to-speech conversion, or even any type of data conversion. Instead, Judson simply states that information sent to the user during the period between link activation and downloading of a hypertext document can include aural as well as visual information (col. 6, lines 29-34). Simply providing aural and visual information together does not remotely suggest text-to-speech conversion because aural and visual information can be generated in many ways other than converting text to speech. The aural and visual information in Judson can, for example, be generated separately and independently from each other.

Similarly, col. 8, lines 3-21 of Judson also fail to suggest text-to-speech conversion because Judson only discloses downloading applets, which may include an animated figure or icon, an aural output, and/or

scrolling text. Col. 1, lines 34-63 of Judson discuss the waiting period between the time that a user initiates a link and the time that bit maps or .gif format images can actually be downloaded, but completely fails to even mention generating aural information, let alone speech synthesizer instructions.

Further, the Office Action incorrectly asserted that "the generation of animation figures requires a speech synthesizer and speech synthesizer instructions" (p. 4). The Office Action fails to explain how animation figures necessarily require speech synthesizer instructions when the two are completely independent entities. It is well-known in the art that animation figures and aural speech can be independent entities and that animation figures can be displayed without any speech or other aural components. Similarly, speech and aural components can be transmitted without any animation figures. Thus, the Office Action incorrectly assumes that Judson's aural and visual outputs suggest a text-to-speech process, particularly when Judson fails to mention anything about the manner in which the visual and aural outputs are generated in the first place.

In short, Judson does not remotely suggest that the applets include speech synthesizer instructions, nor does Judson even address text-to-speech conversion. Instead, Judson only discloses examples of possible applets, which can include any visual and/or aural output generated in any manner. The Office Action is therefore incorrect in asserting that generating applets or animation figures suggests converting textual information to speech synthesizer instructions, as recited in independent claim 1, particularly when Judson does not even mention <u>any</u> relationship between the generation of its visual and aural information.

Combining Tel with Judson still would not suggest the claimed invention. The Office Action admitted that Judson does not teach speech synthesizer instructions or a speech synthesizer, but asserted that "it would have been obvious to one of ordinary skill in the art to add speech synthesizer capability to Judson's invention to convey messages aurally and visually as taught by Tel in order to provide enhanced display of useful information" (p. 4). Applicants respectfully disagree.

First, there is no motivation to combine Judson with Tel in the first place because Judson does not even mention data conversion of any kind, as explained above. Second, even if there were motivation to combine, simply adding a speech in the Judson device as suggested by the Office Action would not teach the claimed invention because, as explained above, Judson does not even teach any type of data conversion, let alone teach converting textual information to speech synthesizer instructions. At best, combining Judson with Tel would result in a device that contained a speech synthesizer at the output end but no speech synthesizer instructions generated in the claimed manner to operate it. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 1-4 and 7. Withdrawal of the rejection is respectfully requested.

Claims 11-12, 14-15 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of Hertz, J. Acoust. Soc. Am. Vol. 72, No. 4, October 1982 ("Hertz"). Applicants respectfully traverse this rejection.

With respect to claim 11, claim 11 depends on patentable claim 1 and is therefore patentable for the reasons explained above. Contrary to the Office Action's assertions, Tel fails to teach the elements in claim 11. Col. 6, lines 26-29 only teach passing voice settings to

an audio signal generator in the receiver, while col. 6, lines 41-28 only teach including lip position data to synchronize a mouth position of an animated face image such that the mouth position corresponds with audio signals. Neither of these teachings have anything to do with a memory or concatenative speech synthesizer, as recited in claim 11.

Adding Hertz to the combination still would not suggest the claimed invention. Hertz only discusses a specific method for applying rules in a text-to-speech process without suggesting how the textual information could be obtained in the first place. Thus, the suggested combination still would not teach obtaining textual information for messages for a plurality of subscribers, as recited in claim 11.

With respect to independent claim 12, col. 7, lines 38-44 of Judson do not suggest obtaining textual information for messages for a plurality of subscribers as alleged by the Office Action. Instead, Judson simply states that the phrase "information object" in Judson's specification should be constructed to include various types of content. Judson does not mention anything about where the information comes from, other than a web page (see, e.g., col. 6, line 62 to col. 7, line 25), let alone teach obtaining information from a plurality of subscribers as recited in claim 12. Judson does not even show or mention multiple subscribers (Figs. 2 and 3). Also, visual displays are not the same as the claimed waveforms, contrary to the Office Action's assertion (p. 6), because the claimed waveforms correspond to speech, while Judson's displays correspond to visual data.

Further, as explained in greater detail above, col. 6, lines 25-44 and col. 8, lines 3-21 of Judson does not suggest <u>any</u> type of data conversion, let alone a text-to-speech process. Adding Tel to Judson still would not

suggest the claimed invention; reference numeral 104 in Tel simply designates a receiver, while col. 3, lines 5-12 describes a closed captioning process. Col. 6, lines 1-48 in Tel describe a process for splitting supplemental data from formant parameters and transferring the split data to a receiver. Nothing in Tel suggests obtaining text information from a plurality of subscribers or generating sequences of speech synthesizer instructions in the claimed manner.

Adding Hertz to the combination still would not suggest the claimed invention because, as explained above, Hertz only discusses a specific method for applying rules in a text-to-speech process without suggesting that the information be obtained for a plurality of subscribers, which was also not taught in any of the other cited references. Claims 14-15 and 18 also are not rendered obvious by the cited art for the same reasons explained above. Thus, the Office Action fails to establish a prima facie case of obviousness with respect to claims 11-12, 14-15 and 18, and withdrawal of the rejection is respectfully requested.

Claims 5-6, 16-17, 21 and 24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of U.S. Patent No. 6,115,384 to Parzych. Applicants respectfully traverse this rejection.

As explained above, the Judson/Tel combination fails to teach or suggest the claimed invention because the combination does not remotely suggest converting textual information or generating a speech waveform signal representative of an identified item of interest. Adding Parzych to the Judson/Tel combination still would not suggest the claimed invention because Parzych only teaches a wireless network. The Office Action therefore fails to establish a prima facie case of obviousness with

respect to claims 5-6, 16-17, 21 and 24, and withdrawal of the rejection is respectfully requested.

Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of U.S. Patent No. 5,530,852 to Meske, Jr. et al. ("Meske") and U.S. Patent No. 5,608,786 to Gordon ("Gordon"). Applicants respectfully traverse this rejection.

Claim 8 depends indirectly on patentable claim 1 and is therefore patentable for the same reasons as claim 1. As noted above, the Judson/Tel combination fails to suggest the claimed invention because Judson fails to teach generating speech synthesizer instructions. Adding Meske and Gordon still would not suggest the claimed invention because Meske only focuses on extracting and grouping news articles covering selected topics (Abstract). Gordon only discusses a unified messaging system that can transmit different message types, such as e-mail, voice mail, and facsimile messages (Abstract). Neither Meske nor Gordon even mention a text-to-speech process, much less suggest generating a speech synthesizer instruction from the news information. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claim 8, and withdrawal of the rejection is respectfully requested.

Claims 10, 19-20, 22-23 and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of Meske. Applicants respectfully traverse this rejection.

Claims 10, 19-20, 22 and 23 either recite or depend on a claim reciting a text-to-speech conversion process. As noted above, Judson and Tel fail to teach the claimed text-to-speech process. Contrary to the Office Action's assertion, Judson does not teach the added limitations of claim 10. Col. 4, lines 47-51 and col. 7, lines 13-25

only teach supporting various protocols and allowing users to fill in interactive survey forms to be sent to a third-party service provider. This is not the same as storing profile information, as recited in claim 10, because Judson specifically teaches that the gathered survey information is sent to a third-party and is not used by Judson's own system.

Judson does not teach obtaining news information simply because it uses news transfer protocols, particularly when Judson does not even mention obtaining news information. News transfer protocols are simply protocols used for information transfer; a protocol itself is not news information, nor does the protocol's existence automatically mean that news information is actually being transferred, as implied by the Office Action.

Adding Meske still would not suggest the claimed invention because Meske only discusses grouping news articles by topic, without addressing any of the deficiencies explained above in the Judson/Tel combination. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 10, 19-20, 22-23 and 25, and withdrawal of the rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of Gordon. Applicants respectfully traverse this rejection. Claim 9 depends on patentable claim 1 and is therefore patentable for the reasons explained above. Gordon only teaches a unified messaging system (Abstract) and does not mention anything about converting text information to speech synthesizer instructions. Gordon therefore fails to remedy the deficiencies in the Judson/Tel combination noted above. Withdrawal of the rejection is respectfully requested.

Claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and Hertz and further in view of Meske. Applicants respectfully traverse this rejection. Claim 13 depends on patentable claim 12 and is therefore patentable for the reasons explained above. Withdrawal of the rejection is respectfully requested.

Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Judson in view of Tel and further in view of U.S. Patent No. 5,915,237 to Boss ("Boss"). Applicants respectfully traverse this rejection.

Contrary to the Office Action's assertion, combining Judson and Tel does not render claims 26 and 27 obvious because the combination does not teach the claimed text-to-speech conversion simply because Judson teaches transmitting applets having animation figures. As explained in detail above, generating animation figures does not teach generating speech synthesizer instructions from text because visual and aural outputs can be independent entities. Adding Boss to the combination still would not suggest the claimed invention because Boss focuses only on MIDI capability. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 26 and 27, and withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

Dated: 17 August 2001

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this 17th day of August, 2001.

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